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SUMMARY RECORD OF THE 290th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 May 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Lebanon (continued) (CRC/C/8/Add.23; CRC/C.11/WP.7; HRI/CORE/1/Add.27)

1. At the invitation of the Chairperson, the delegation of Lebanon took places at the Committee table.

2. Mr. KHALIL (Lebanon) summarized the replies he had given to questions 11 to 14 of the list of issues (CRC/C.11/WP.7). With regard to question 11, the Constitution made no distinction whatsoever among citizens on the grounds of sex, religion, beliefs or geographical origin. Children with HIV/AIDS did not suffer from any discrimination because social programmes, which were aimed at achieving social integration, made no distinction among the various groups in need of special education. Concerning the detailed statistics that had been requested, each specialized national committee was endeavouring to prepare the statistics required in its field of competence. For example, Act No. 243 of 1993 dealt with two categories of the disabled, the physically disabled and the mentally disabled, and the National Committee for the Disabled had given the persons concerned cards granting them access to various services and had prepared statistics on their numbers. The committee in charge of the national programme to combat AIDS was preparing statistics on cases of AIDS.

3. Regarding question 12, all children in Lebanon were fully subject to Lebanese law. Non-Lebanese, Palestinians and others, benefited from the general provisions guaranteeing security, freedom and equality - in short, all human rights - in the same manner as Lebanese citizens. Non-governmental and international organizations were taking care of non-Lebanese children.

4. Question 13 dealt with "the best interests of the child" and the juvenile courts. It should first of all be stressed that the interests of the child were very diverse, and that one could not speak of any single best interest of the child. That did not mean, however, that the child's interests did not have to be respected in every instance. The procedures governing juvenile justice were set forth in Decree No. 119/1983, on the protection of young people and children. A child could, for example, be excused from attending his own trial in order to preserve his mental balance and future prospects.

5. Question 14 concerned the need to respect the views of the child and to raise awareness of families and the public of that need. Freedom of opinion was guaranteed by article 13 of the Constitution as long as it did not endanger public order. The work to be undertaken with the public was the responsibility of the Department of Family Affairs, which had been set up within the Ministry of Social Affairs. There were also centres for community social development services, which had been created as a part of the Ministry of Social Affairs and which, along with non-governmental organizations (NGOs), were making it possible to reach out to the areas most in need of assistance. Furthermore, a social planning programme, organized in cooperation with the United Nations, among others, sought to help children within the family.

Lastly, a social welfare service, also a part of the Ministry of Social Affairs, was concerned with the treatment, protection and care of orphans and children in difficult circumstances.

6. Mr. KOLOSOV said that he would like to know more about the programmes for children who had endured the traumas of 16 years of conflict. How were the staff employed in those programmes recruited, how were they trained, and what was the role of international cooperation in that regard?

7. Miss MASON, drawing attention to the wording of article 2 of the Convention, said that she found the Lebanese Constitution quite restrictive, in that it prohibited only discrimination based on sex, language, religion, age and colour. Furthermore, article 2 applied to all children, including those born out of wedlock; yet it was clear from the report and other documents that such children might be treated as second-class citizens. Even if the word "illegitimate" no longer appeared on birth certificates, it was still used in other official documents, and she would like to know what consequences that might have for the child. Likewise, did not a child born of a Lebanese mother and a non-Lebanese father suffer from discrimination, owing to the fact that only the father could pass on his nationality to the child? Could a child born of such a union exercise his civil rights, find a job and have access to social services? Could a child who lost his non-Lebanese father and who could not acquire Lebanese nationality from his mother enjoy all his fundamental rights? Lastly, paragraph 26 of the report might lead the reader to wonder whether the persons covered by subparagraph (b) were not victims of discrimination.

8. Mrs. KARP asked whether the difference between the services provided to urban and rural areas was not a latent source of discrimination, reflected in the infant and pre-natal mortality rates. Was the high mortality rate of infants born of mothers who were too young, and the high perinatal mortality rate among those young women, not the consequence of discrimination and of a certain contempt for the right to life and survival?

9. Mrs. EUFEMIO recalled that the Lebanese delegation had spoken at the previous meeting about disputes concerning child custody and had stated that the views of the child were not taken into account. She asked how those views were sought before the proceedings. While the Constitution protected freedom of expression and opinion, within the family the child did not enjoy such freedom and it was the tradition for decisions concerning the child to be taken without him, by the family hierarchy. As the family was a private sphere, such a situation could go unnoticed and, unless there were legal grounds for having resort to the courts, the non-enjoyment of that right was not made known. She wished to know whether the Government considered that it could intervene in family matters and, if so, how it proceeded.

10. Mrs. KARP pointed out that the Convention protected the right to life, survival and development. To her mind, the law on abortion, which was very strict, did not respect that right in cases where, for example, an unborn child risked being deformed or where pregnancy threatened the mother's health or life. She asked what procedures allowed for abortion in such circumstances.

11. Mr. KHALIL (Lebanon), replying to the question on the reintegration of children who were victims of the war, said that those who had suffered physically were taken care of by the National Committee for the Disabled; those who had lost their homes, by the newly-established Ministry for Displaced Persons; and those who had psychological problems, by social, educational and recreational services which should enable them eventually to overcome the adverse effects of war.

12. The case of children born out of wedlock was not covered by the law, but that did not make them an inferior category of person. However, a law was under consideration which should allow the word "illegitimate" to be deleted from any official document, upon request to the judicial authority. Regarding children born of Lebanese mothers and non-Lebanese fathers, who automatically acquired the nationality of their father, Parliament was currently discussing a bill that would, in the case of divorce or of the father's death, authorize the mother to pass her nationality on to the child. All the same, there were many countries where only the father could pass his nationality on to the child. Referring to paragraph 26 of the report, on the means of acquiring Lebanese nationality, he said that any child living on Lebanese soil could have Lebanese nationality.

13. Turning to the question of the differences between rural and urban areas, he said that, because of the small size of Lebanon, rural areas were not really isolated from the rest of the country.

14. The question of marriageable age did arise, but Lebanon was endeavouring to resolve that issue by increasing awareness and training religious leaders in preparing young people for marriage.

15. Child custody was already provided for by the law. If the question of custody was decided by the court, that was because children under the age of 18 did not have a decision-making capacity. It was an exaggeration to say that children belonged to their parents, but the family certainly had a very important role to play in Lebanon; for example, all the social programmes were based on the family. The Government relied on the family, but the law did not provide for intervention in private family matters, for example, to prevent domestic violence. In that connection, however, a bill was under consideration.

16. He spoke so often of bills and not laws because during the war Lebanon had been too concerned with survival to think about legislation. Parliamentary activity was currently picking up, and the Committee would be informed of any new laws promulgated.

17. With regard to abortion, the authors of such acts and their accomplices were subject to penalties under articles 539-545 of the Penal Code, as described in paragraph 18 of the report. There were, however, plans to make some changes to those articles, at the request of various associations.

18. Mrs. KARP said that to recognize the right to freedom of association only for persons aged over 21 seemed contrary to article 15 of the Convention. She would also like to know whether a woman risked death if she infringed the traditional rules of morality in force in Muslim countries.

19. Miss MASON welcomed the efforts made by the Higher Council for Childhood to improve the situation of children born out of wedlock. However, she wished to have more details on the concrete measures being taken to ensure that so-called "illegitimate" children were not treated as second-class citizens, particularly in terms of access to social and cultural services. Concerning the right to freedom of association, children should be able to exercise that right before their majority in order to be better prepared for their adult lives.

20. Mrs. EUFEMIO said that parents and teachers should prepare children for adulthood by giving them the opportunity to express their opinions and to exercise the rights recognized for them under the Convention. In that regard, she would like to know what punishment might be given to a child guilty of disobedience.

21. Mr. KHALIL (Lebanon) said that, in order to offset the concentration of services in Beirut, the Government was instituting a policy of administrative decentralization.

22. Regarding civil and political rights, the question of lowering the voting age - currently 21 years - was being considered.

23. As far as women being put to death for immoral behaviour was concerned, it should be stressed that that practice was not current in Lebanon and anyone who violated another person's physical integrity was subject to the penalties provided by law.

24. Children born out of wedlock were not considered as second-class citizens, and a birth certificate was issued in all instances. A child born out of wedlock carried the name of whichever parent had recognized him. If neither parent did so, the mayor had the authority to give the child a name and place him in the care of a specialized institution.

25. The right to freedom of association, the lowering of the voting age, and the child's right to choose which parent he wished to live with in the case of divorce, were all issues currently under consideration.

26. The CHAIRPERSON invited the delegation of Lebanon to reply to questions 15 to 19 of the list of issues, concerning civil rights and freedoms.

27. Mr. KHALIL (Lebanon), replying to question 15, said that every child must be registered within 30 days of birth. Anyone finding an abandoned child was required to turn it over to the mayor. The mayor would issue a birth certificate and entrust the child to a specialized institution, which would look after its welfare.

28. Concerning question 16, to which the delegation had already for the most part replied, a foreigner who married a Lebanese woman could, after having resided in Lebanon for a certain amount of time, acquire Lebanese nationality, which he could then pass on to his children.

29. As to question 17, on the implementation of article 17 of the Convention, the Ministry of Information had taken steps so that in the near future, children could have free books, as had been the case before the war. Many television programmes were targeted to children and there was a children's theatre, which had an excellent reputation.

30. Regarding question 18, corporal punishment was prohibited in schools and other institutions for children, and parents whose children had been the victims of such practices could lodge complaints with the competent courts.

31. Parliament was currently considering a bill aimed at combating violence in the family. In that regard, school directors could now take cases to court if they found that a student bore clear traces of beatings. As to ill-treatment of children in detention centres, the delegation unfortunately did not have statistics on the matter.

32. Mr. HAMMARBERG said that he would like some information on the concrete difficulties with which the Lebanese authorities were confronted in registering births, particularly in so far as the very large numbers of displaced persons were concerned. A child born of a Lebanese mother should automatically acquire Lebanese nationality, even if the father was a foreigner. He would also like to know what measures were being taken to protect children against some of the pernicious influences of the information media, to encourage children to read and to develop recreational activities for children. In that regard, he was pleased with the success of the children's theatre mentioned by the delegation.

33. He also duly noted that a bill aimed at combating violence in the family was under consideration by Parliament; however, information campaigns should also be organized for teachers to combat violence in the schools. It was difficult for children to lodge complaints against adults, whether they were their parents or teachers. The law should be backed up by social measures and awareness-raising on that issue as well. He also wondered whether in Lebanon there were any reported cases of persons performing official functions who had been punished for ill-treatment of children.

34. Miss MASON observed that the report did not contain information on the implementation of article 17 of the Convention. She would like to know whether the Convention was publicized in the media and whether there were awareness-raising programmes for combating violence in the family. She had information to the effect that all radio and television broadcasts in Lebanon were subject to control by the authorities, which might, on occasion, prohibit them. She would be grateful to the delegation for clarification on that point.

35. Mrs. KARP asked what the attitude of the public was towards violence against children in the family. Were children complaining of ill-treatment listened to by the police and were there specific procedures to help them express themselves without fear in court? She would welcome examples of cases of violence in the family that had been brought before the courts.

36. Mr. KOLOSOV, recalling that the delegation had stated that the Government was planning to lower the age of majority in order better to protect the civil

and political rights of the child, pointed out that the Convention established civil rights and freedoms for all children under 18 years of age. In paragraph 15, on civil rights and freedoms, of its general guidelines regarding the form and content of initial reports (CRC/C/5), the Committee requested States parties to provide relevant information on steps taken to implement the Convention, including legislative, judicial, administrative or other measures, and it was therefore regrettable that reference had been made in the report only to the right of the child to a name and nationality, preservation of identity and protection from ill-treatment. There were no specific details in the report on freedom of expression or access to information. He would therefore like information on those matters.

37. Mrs. EUFEMIO, referring to children's access to information and steps taken to protect them against images of violence such as were to be found in the media, asked whether account was taken of computerized media through which information harmful to children could be transmitted. Also, was there any control over toys that encouraged violence?

38. The CHAIRPERSON proposed that the meeting be suspended in order to allow the delegation to prepare its replies to the questions put by Committee members.

The meeting was suspended at 11.35 a.m. and resumed at 11.55 a.m.

39. Mr. KHALIL (Lebanon) said that all children of displaced persons had been registered at birth by means of a simplified procedure.

40. With regard to violence in the media, there was almost no violence in the films produced in Lebanon, but that was unfortunately not the case of films coming from abroad. He recognized that there were not enough gardens or recreational areas for children in Lebanon. Concerning violence in schools, three cases of teachers beating children had been reported during the current year. The teachers had been dismissed and heavy penalties imposed on them.

41. With regard to the media, the authorities exercised no control over them and they were free to express themselves. Concerning the possibility of children lodging complaints when they were victims of violence, a speedy mechanism should, admittedly, be set up to which children could resort. Such a mechanism was provided for in the bill on violence in the family.

42. Regarding the age of majority and children's civil and political rights, there were two types of rights: those enjoyed and those exercised. Enjoyment of rights was guaranteed to all children, from the moment of conception; but the exercise of rights implied that the child should have reached a certain degree of maturity. Concerning religion, article 10 of the Constitution recognized freedom of belief and worship, as long as that freedom did not conflict with public order or morals.

43. On the subject of children's access to information technology, 70 per cent of the private schools had set up computer courses and some were using audiovisual teaching methods. Lebanon did not make toys and all such articles were imported. However, the authorities were aware of the harm done to children by toys that encouraged violence.

44. Mr. KOLOSOV asked whether the Convention was studied as a part of school curricula.

45. Mr. HAMMARBERG, referring to the question of violence in the family and in schools, asked whether Lebanon had a comprehensive plan of action against violence including legislative and social measures, as well as information campaigns.

46. The CHAIRPERSON invited the delegation of Lebanon to answer the latter two questions and then to turn to questions 20-23 of the list of issues.

47. Mr. KHALIL (Lebanon) said that he would answer Mr. Kolosov's question on the study of the Convention when the issues relating to education were taken up. Concerning violence in the family, as he had already indicated, a bill on that subject was under consideration by Parliament; it called, in particular, for a mechanism that would allow children to lodge complaints more easily.

48. The family was the very foundation of Lebanese society. Even when children were separated from their families and placed in rehabilitation centres, the families could visit them. No instances of children ceasing to have any further contact with their parents had been reported. The Lebanese authorities had no statistics on cases of abuse of parental authority. Instances of children being abandoned by their parents were very rare. Lebanese society was a small community where people all knew each other, and that made such abandonments impossible. Articles 501 and 502 of the Penal Code established that parents, and especially the father, were responsible for their children's education and that, if they could not provide for it, even for economic reasons, they were punished. In reply to question 23, on whether the Government had considered the possibility of providing family education and counselling, the Ministry of Social Affairs, through its Department of Family Affairs and its development centres, was planning to provide assistance from social workers for those in need. The aim of the bill on violence in the family was to protect children better and to prevent all forms of abuse, cruelty and neglect within the family.

49. Miss MASON asked how parents who neglected their children were punished and what action was taken to enforce the law. She also wished to know whether the State helped children whose parents had died or were imprisoned.

50. Regarding sexual abuse, a taboo subject usually passed over in silence, article 149 of the report stated that "there is hardly a day that passes without the news of abuse and exploitation in the media". She would therefore like to know what steps were taken to help the victims of such abuse and to implement article 39 of the Convention, which required States parties to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation or abuse. Did Decree No. 119 of 1983 cover incest? How were the child victims of incest protected and were they allowed to testify against their fathers in a patriarchal society like Lebanon? With regard to the crimes of honour often mentioned in the media in Lebanon, what became of girls who were sexually

abused by their parents? Could they count on getting married when, in accordance with tradition, they had to undergo prenuptial examinations? Lastly, did the media broadcast programmes aimed at changing popular attitudes in that regard.

51. Mr. HAMMARBERG said he agreed with those members of the Committee who felt that legislation was not enough in itself and should be accompanied by concrete measures, particularly in the areas of social welfare, education and health. He would therefore like to know, for example, what social measures were planned to support the proposed law on family violence. Also, besides sanctions against the father, what measures were envisaged to protect the children of separated parents in the case of non-payment of alimony? Lastly, he asked for more information on street children and the background to that phenomenon.

52. Mrs. KARP asked about the fate of young prostitutes and the validity of a report that there was a Lebanese law protecting those who murdered prostitutes. She also wished to know whether there were reintegration programmes for girls who engaged in prostitution.

53. Mrs. EUFEMIO said she was surprised that the plan of action for the protection of children, copies of which had been distributed to the Committee by the Lebanese delegation on 20 May, contained no mention of steps to protect the family unit and that there was a relatively high proportion of consanguineous marriages. She would like more information on possible changes in the family structure - for example, on the situation of single-parent families - and the impact on parental responsibility and social benefits. In that respect as well, legislation was apparently not enough to change attitudes.

54. Mrs. KARP asked whether it was the judicial authorities or State bodies that took the decision to remove a child from his family when the child was in danger, and what remedies were available to each party.

55. Mr. KHALIL (Lebanon) said that the object of the exercise was to give an accurate, unembellished picture of reality. At the same time, it should be pointed out that laws, in Lebanon as elsewhere, were needed to permit social projects to be undertaken, if only in order to define institutional responsibilities. Decree No. 119, which made it possible to excuse a minor from attending a trial if that was in his best interest, was implemented in 90 per cent of trials involving children.

56. There were other projects, too, in the social area. Any child who could not be taken care of by one of his divorced parents was placed in a social institution. There was also an integrated recovery plan for abandoned children, as well as a plan for combating child labour; those plans would be made available to Committee members.

57. The problem of street children had both social and economic dimensions. In the case of Lebanese children, a social worker made inquiries in the family, and if the family was guilty of neglect, sanctions were taken against the father. If the parents were unable to care for their children, the children were placed in social welfare institutions, in conformity with

Decree No. 119. In that connection the Ministry of Social Affairs was expected to sign a contract with local communities in June 1996 to strengthen care-giving structures.

58. There was no law in Lebanon authorizing the murder of girls who engaged in prostitution.

59. With regard to family programmes aimed at complementing the national plan of action, a draft was being considered by the Ministry of Social Affairs, and another draft might be prepared jointly with the United Nations Population Fund (UNFPA). It was not possible to take children away from their families except to place them in a social welfare institution.

60. The CHAIRPERSON said that the documents cited by the delegation of Lebanon would be distributed (in Arabic) to Committee members. She invited the delegation to move on to questions 24-27 of the list of issues, relating to basic health and welfare.

61. Mrs. GEORGIADIS (Lebanon) said that, regarding progress achieved in the field of child health, vaccination campaigns against tetanus, organized in collaboration with the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF), had been well under way at the time of the Israeli aggression, and infantile paralysis was expected to be totally eradicated within a short time.

62. Concerning question 25, on the effectiveness of health information and education programmes, the information service of the Ministry of Social Affairs disseminated regular programmes, including on the prevention of disability, which was also the subject of a bill. Family planning services were provided in the community health centres, each of which catered for 30-40,000 families. There were no national school programmes for hygiene, nutrition and health, but the community centres arranged visits to schools.

63. On question 26, concerning measures for disabled children, there were plans to issue disability cards for all disabled persons. There were 36 specialized institutions for rehabilitating disabled children in Lebanon. In 1997, the University of Lebanon would open a department of speech therapy. Everything was done to integrate children with physical disabilities into ordinary educational programmes when structures so allowed. There were approximately 4,000 disabled children who were cared for by Government services and 2,000 by NGOs. Social workers from the community health centres made house visits to offer psychological help to the families of disabled children. Educational staff none the less remained inadequate. To solve that problem, some NGOs concerned with the blind sent their staff for specialized training abroad. The training centre of the Ministry of Foreign Affairs also provided training during employment to the staff of private establishments.

64. Concerning question 27, on credit facilities to raise the standard of living of families with children from the poorer sectors of the population, the Ministry of Social Affairs had been independent only since 1993. At the present time, it was being guided by the activities of the United Nations Development Programme (UNDP) in that field. NGOs such as CARITAS and Save the

Children granted loans to women under certain conditions, which they repaid once they were working. The Ministry hoped to continue the scheme if it had sufficient means.

65. Mrs. KARP asked whether the law provided for benefits to parents taking care of disabled children at home.

66. Mr. HAMMARBERG said that he was concerned about the risk of discrimination against the poorest children, which was posed by a health system basically controlled by private interests, as indicated in the national plan of action, and would like some information on steps taken to solve the problem. He would also appreciate details of measures planned to help children whose parents did not automatically receive social security benefits.

67. With regard to disabled children, he wished to be apprised of measures to help them become integrated into the ordinary education system whenever possible and to train teachers in special education. Had there been any evaluation of the current system regarding health education? Lastly, what steps were being taken to promote breast-feeding and increase awareness of the advantages of breast milk?

68. Miss MASON, raising the question of restricted access to hospitals, asked for information on the percentage of births in hospital and the number and training of midwives. She would also like to know the role of traditional medicine in the Lebanese health system.

69. Regarding family planning and AIDS, the report indicated in paragraph 88 that the pattern of transmission of the disease was predominantly heterosexual. Given that health education seemed to be directed primarily at women, how much information was communicated to men? She also wished to have more information on how, within a patriarchal society that placed a high value on chastity in women, the measures to prevent AIDS and unwanted pregnancies cited in the report were perceived.

The meeting rose at 1 p.m.